

54-8a-13 Underground Facilities Damage Dispute Board -- Arbitration -- Relationship with Public Service Commission.

- (1) There is created within the commission the Underground Facilities Damage Dispute Board to arbitrate a dispute arising from:
 - (a) an operator's or excavator's violation of this chapter; and
 - (b) damage caused by excavation during an emergency.
- (2) The board consists of five members appointed by the governor as follows:
 - (a) one member from a list of names provided to the governor by a group representing operators;
 - (b) one member from a list of names provided to the governor by the Associated General Contractors;
 - (c) one member from a list of names provided to the governor by Blue Stakes of Utah;
 - (d) one member from a list of names provided to the governor by the Utah Home Builders Association; and
 - (e) one member from the Division of Public Utilities.
- (3)
 - (a) A member of the board:
 - (i) shall be appointed for a three-year term; and
 - (ii) may continue to serve until the member's successor takes office.
 - (b) At the time of appointment, the governor shall stagger the terms of the members to ensure that approximately 1/3 of the members of the board are reappointed each year.
 - (c) A vacancy in the board shall be filled:
 - (i) for the unexpired term; and
 - (ii) in the same manner as the board member is initially appointed.
 - (d) The board shall select an alternate for a specific board member to serve on a specific case if it becomes necessary to replace a member who has a conflict of interest because a dispute involves that member or that member's employer.
- (4) Three members of the board constitute a quorum.
- (5) The board may, upon agreement of the disputing parties, arbitrate a dispute regarding damages, not including personal injury damages, arising between:
 - (a) an operator;
 - (b) an excavator;
 - (c) a property owner; or
 - (d) any other interested party.
- (6) At least four members of the board shall be present and vote on an arbitration decision.
- (7) An arbitration before the board shall be consistent with Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (8) The prevailing party in an arbitration conducted under this section shall be awarded its costs and attorney fees in an amount determined by the board.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The commission shall provide administrative support to the board.

Amended by Chapter 286, 2010 General Session